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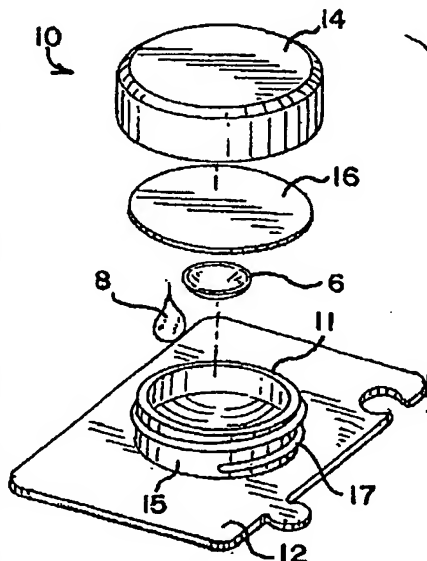
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[Continued on next page]

(54) Title: CONTACT LENS PACKAGE AND STORAGE CASE, HOLDER, AND SYSTEM AND METHOD OF MAKING AND USING



(57) Abstract: A contact lens package (10) that is reusable as a case to store a contact lens between uses includes a bottom member (15) having a well with an inside generally concave shape, and a wall rising above the well and ending in a top rim (11) defining an opening; a temporary seal (16) sealed across the top rim to seal the opening and a cap (14) secured to the bottom member covering the temporary seal.

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An das Europäische Patentamt

To the European Patent Office

A l'Office européen des brevets

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**Eintritt in die  
europäische Phase  
(EPA als Bestimmungsamt  
oder ausgewähltes Amt)**

**Entry into the  
European phase  
(EPO as designated or  
elected Office)**

**Entrée dans la  
phase européenne  
(l'OEB agissant en qualité  
d'office désigné ou élu)**

Europäische Anmeldenummer oder, falls nicht bekannt, PCT-Aktenzeichen oder PCT-Veröffentlichungsnummer  03756809.4 (PCT/US2003/028991)	European application number, or, if not known, PCT application or publication number  03756809.4 (PCT/US2003/028991)	Numéro de dépôt de la demande de brevet européen ou, à défaut, numéro de dépôt PCT ou de publication PCT  03756809.4 (PCT/US2003/028991)
Zeichen des Anmelders oder Vertreters (max. 15 Positionen)  NAMM/P78400EP00	Applicant's or representative's reference (max. 15 spaces)  NAMM/P78400EP00	Référence du demandeur ou du mandataire (15 caractères ou espaces au maximum)  NAMM/P78400EP00
<input checked="" type="checkbox"/> <b>1. Anmelder</b> Die Angaben über den (die) Anmelder sind in der internationalen Veröffentlichung enthalten oder vom Internationalen Büro nach der internationalen Veröffentlichung vermerkt worden.  <input type="checkbox"/> Änderungen, die das Internationale Büro noch nicht vermerkt hat, sind auf einem Zusatzblatt angegeben.  <b>Zustellanschrift</b> (siehe Merkblatt II, 1)	<b>1. Applicant</b> Indications concerning the applicant(s) are contained in the international publication or recorded by the International Bureau after the international publication.  Changes which have not yet been recorded by the International Bureau are set out on an additional sheet.  <b>Address for correspondence</b> (see Notes II, 1)	<b>1. Demandeur</b> Les indications concernant le(s) demandeur(s) figurent dans la publication internationale ou ont été enregistrées par le Bureau international après la publication internationale.  Les changements qui n'ont pas encore été enregistrés par le Bureau international sont indiqués sur une feuille additionnelle.  <b>Adresse pour la correspondance</b> (voir notice II, 1)
<b>2. Vertreter</b>  <b>Name</b> (Nur einen Vertreter angeben, der in das europäische Patentregister eingetragen und an den zugestellt wird)  <b>Geschäftsanschrift</b>  <b>Telefon</b>  <b>Telefax</b> <b>Telex</b>  <input checked="" type="checkbox"/> Weitere(r) Vertreter auf Zusatzblatt	<b>2. Representative</b>  <b>Name</b> (Name only one representative who will be listed in the Register of European Patents and to whom notification will be made) McLEISH; Nicholas Alistair Maxwell  <b>Address of place of business</b> BOULT WADE TENNANT VERULAM GARDENS 70 GRAY'S INN ROAD LONDON WC1X 8BT UNITED KINGDOM <b>Telephone</b> +44 (0)20 7430 7500 <b>Fax</b> +44 (0)20 7430 7600 <b>Telex</b>  Additional representative(s) on additional sheet	<b>2. Mandataire</b>  <b>Nom</b> (N'indiquer qu'un seul mandataire, qui sera inscrit au Registre européen des brevets et auquel signification sera faite)  <b>Adresse professionnelle</b>  <b>Téléphone</b>  <b>Téléfax</b> <b>Télex</b>  Autre(s) mandataire(s) sur une feuille additionnelle
<b>3. Vollmacht</b>  <input type="checkbox"/> Einzelvollmacht ist beigefügt. <input type="checkbox"/> Allgemeine Vollmacht ist registriert unter Nummer:  <input type="checkbox"/> Allgemeine Vollmacht ist eingereicht, aber noch nicht registriert. <input type="checkbox"/> Die beim EPA als PCT-Anmeldeamt eingereichte Vollmacht schließt ausdrücklich die europäische Phase ein.	<b>3. Authorisation</b>  Individual authorisation is attached.  General authorisation has been registered under No:  A general authorisation has been filed, but not yet registered.  The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	<b>3. Pouvoir</b>  Un pouvoir spécial est joint.  Un pouvoir général a été enregistré sous le n°:  Un pouvoir général a été déposé, mais n'est pas encore enregistré.  Le pouvoir général déposé à l'OEB agissant en qualité d'office récepteur au titre du PCT s'applique expressément à la phase européenne.

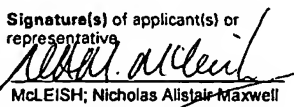
<p><input checked="" type="checkbox"/> 4. <b>Prüfungsantrag</b> Hiermit wird die Prüfung der Anmeldung gemäß Art. 94 EPU beantragt. Die Prüfungsgebühr wird (wurde) entrichtet.</p> <p>Prüfungsantrag in einer zugelassenen Nichtamtssprache (siehe Merkblatt III, 5.2) :</p>	<p>4. <b>Request for examination</b> Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid.</p> <p>Request for examination in an admissible non-EPO language (see Notes III, 5.2) :</p>	<p>4. <b>Requête en examen</b> Il est demandé que soit examinée la demande de brevet conformément à l'art. 94 CBE. Il est (a été, sera) procédé au paiement de la taxe d'examen.</p> <p>Requête en examen dans une langue non officielle autorisée (voir notice III, 5.2) :</p>
<p><input checked="" type="checkbox"/> 5. <b>Abschriften</b> Zusätzliche Abschrift(en) der im ergänzenden europäischen Recherchenbericht angeführten Schriftstücke wird (werden) beantragt.</p> <p>Anzahl der <b>zusätzlichen</b> Sätze von Abschriften</p>	<p>5. <b>Copies</b> Additional copy (copies) of the documents cited in the supplementary European search report is (are) requested.</p> <p>Number of <b>additional</b> sets of copies</p>	<p>5. <b>Copies</b> Prière de fournir une ou plusieurs copies supplémentaires des documents cités dans le rapport complémentaire de recherche européenne.</p> <p>Nombre de jeux <b>supplémentaires</b> de copies</p>
ONE		
<p>6. <b>Für das Verfahren vor dem EPA bestimmte Unterlagen</b></p> <p>6.1 Dem Verfahren vor dem EPA als <b>Bestimmungsamt</b> (PCT I) sind folgende Unterlagen zugrunde zu legen:</p> <p><input checked="" type="checkbox"/> die vom Internationalen Büro veröffentlichten <b>Anmeldungsunterlagen</b> (mit <b>allen</b> Ansprüchen, Beschreibung und Zeichnungen), gegebenenfalls mit den geänderten Ansprüchen nach Art. 19 PCT</p> <p><input checked="" type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten <b>Änderungen</b>.</p> <p><i>Falls nötig, sind Klarstellungen auf einem Zusatzblatt einzureichen!</i></p> <p>6.2 Dem Verfahren vor dem EPA als <b>ausgewähltem Amt</b> (PCT II) sind folgende Unterlagen zugrunde zu legen:</p> <p><input checked="" type="checkbox"/> die dem internationalen vorläufigen Prüfungsbericht zugrunde gelegten <b>Unterlagen</b>, einschließlich seiner eventuellen <b>Anlagen</b> (Solche Anlagen müssen immer beigefügt werden)</p> <p><input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten <b>Änderungen</b>.</p> <p><i>Falls nötig, sind Klarstellungen auf einem Zusatzblatt einzureichen!</i></p> <p><input checked="" type="checkbox"/> Sind dem EPA als mit der internationalen vorläufigen Prüfung beauftragten Behörde <b>Versuchsberichte</b> zugegangen, dürfen diese dem Verfahren vor dem EPA zugrunde gelegt werden.</p>	<p>6. <b>Documents intended for proceedings before the EPO</b></p> <p>6.1 Proceedings before the EPO as <b>designated Office</b> (PCT I) are to be based on the following documents:</p> <p>the <b>application documents published</b> by the International Bureau (with <b>all</b> claims, description and drawings), where applicable with amended claims under Art. 19 PCT</p> <p>unless replaced by the <b>amendments</b> enclosed.</p> <p><i>Where necessary, clarifications must be submitted on a separate sheet!</i></p> <p>6.2 Proceedings before the EPO as <b>elected Office</b> (PCT II) are to be based on the following documents:</p> <p>the <b>documents on which the international preliminary examination report is based</b>, including its possible <b>annexes</b> (Such annexes must always be filed)</p> <p>unless replaced by the <b>amendments</b> enclosed.</p> <p><i>Where necessary, clarifications must be submitted on a separate sheet!</i></p> <p>If the EPO as International Preliminary Examining Authority has received <b>test reports</b>, these may be used as the basis of proceedings before the EPO.</p>	<p>6. <b>Pièces destinées à la procédure devant l'OEB</b></p> <p>6.1 La procédure devant l'OEB agissant en qualité d'<b>office désigné</b> (PCT I) doit se fonder sur les pièces suivantes :</p> <p>les <b>pièces de la demande publiée</b> par le Bureau international (avec <b>toutes</b> les revendications, la description et les dessins), éventuellement avec les revendications modifiées conformément à l'article 19 du PCT</p> <p>dans la mesure où elles ne sont pas remplacées par les <b>modifications</b> jointes.</p> <p><i>Le cas échéant, des explications doivent être jointes sur une feuille additionnelle!</i></p> <p>6.2 La procédure devant l'OEB agissant en qualité d'<b>office élu</b> (PCT II) doit se fonder sur les pièces suivantes :</p> <p>les <b>pièces sur lesquelles se fonde le rapport d'examen préliminaire international</b>, y compris ses <b>annexes</b> éventuelles (De telles annexes sont toujours à joindre)</p> <p>dans la mesure où elles ne sont pas remplacées par les <b>modifications</b> jointes.</p> <p><i>Le cas échéant, des explications doivent être jointes sur une feuille additionnelle!</i></p> <p>Si l'OEB, agissant en qualité d'administration chargée de l'examen préliminaire international, a reçu des <b>rapports d'essais</b>, ceux-ci peuvent constituer la base de la procédure devant l'OEB.</p>

<p><b>7. Übersetzungen</b> Beigefügt sind die nachfolgend angekreuzten Übersetzungen in einer der Amtssprachen des EPA (Deutsch, Englisch, Französisch):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Im Verfahren vor dem EPA als <b>Bestimmungsamt oder ausgewähltem Amt (PCT I + II)</b>: Übersetzung der <b>ursprünglich eingereichten internationalen Anmeldung</b> (Beschreibung, Ansprüche, etwaige Textbestandteile in den Zeichnungen), der veröffentlichten Zusammenfassung, und etwaiger Angaben über biologisches Material nach Regel 13<sup>ter</sup>.3 und 13<sup>ter</sup>.4 PCT</li> <li><input type="checkbox"/> Übersetzung der <b>prioritätsbegründenden Anmeldung(en)</b></li> <li><input type="checkbox"/> Es wird hiermit erklärt, daß die internationale Anmeldung in ihrer ursprünglich eingereichten Fassung eine vollständige Übersetzung der früheren Anmeldung ist (Regel 38(5) EPÜ)</li> <li><input type="checkbox"/> <b>Zusätzlich im Verfahren vor dem EPA als Bestimmungsamt (PCT II)</b>: Übersetzung der nach Art. 19 PCT <b>geänderten Ansprüche</b> nebst Erklärung, falls diese dem Verfahren vor dem EPA zugrunde gelegt werden sollen (siehe Feld 6)</li> <li><input type="checkbox"/> <b>Zusätzlich im Verfahren vor dem EPA als ausgewähltem Amt (PCT II)</b>: Übersetzung der <b>Anlagen zum internationalen vorläufigen Prüfungsbericht</b></li> </ul>	<p><b>7. Translations</b> Translations in one of the official languages of the EPO (English, French, German) are enclosed as crossed below:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> In proceedings before the EPO as <b>designated or elected Office (PCT I + II)</b>: Translation of the <b>international application</b> (description, claims, any text in the drawings) as <b>originally filed</b>, of the abstract as published and of any indication under Rule 13<sup>ter</sup>.3 and 13<sup>ter</sup>.4 PCT regarding biological material</li> <li><input type="checkbox"/> Translation of the <b>priority application(s)</b></li> <li><input type="checkbox"/> It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 38(5) EPC)</li> <li><input type="checkbox"/> In addition, in proceedings before the EPO as <b>designated Office (PCT II)</b>: Translation of <b>amended claims</b> and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6)</li> <li><input type="checkbox"/> In addition, in proceedings before the EPO as <b>elected Office (PCT II)</b>: Translation of any <b>annexes to the international preliminary examination report</b></li> </ul>	<p><b>7. Traductions</b> Vous trouverez, ci-joint, les traductions cochées ci-après dans l'une des langues officielles de l'OEB (allemand, anglais, français) :</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dans la procédure devant l'OEB agissant en qualité d'<b>office désigné ou élu (PCT I + II)</b>: Traduction de la <b>demande internationale telle que déposée initialement</b> (description, revendications, textes figurant éventuellement dans les dessins), de l'abrégé publié, et de toutes indications visées aux règles 13<sup>ter</sup>.3 et 13<sup>ter</sup>.4 du PCT concernant le matériel biologique</li> <li><input type="checkbox"/> Traduction de la (des) <b>demande(s) ouvrant le droit de priorité</b></li> <li><input type="checkbox"/> Il est déclaré par la présente que la demande internationale telle que déposée initialement est une traduction intégrale de la demande antérieure (règle 38(5) CBE)</li> <li><input type="checkbox"/> De plus, dans la procédure devant l'OEB agissant en qualité d'<b>office désigné (PCT II)</b>: Traduction des <b>revendications modifiées</b> et de la déclaration faite conformément à l'article 19 du PCT, si la procédure devant l'OEB doit être fondée sur les revendications modifiées (voir la rubrique 6)</li> <li><input type="checkbox"/> De plus, dans la procédure devant l'OEB agissant en qualité d'<b>office élu (PCT II)</b>: Traduction des <b>annexes du rapport d'examen préliminaire international</b></li> </ul>
<p><input type="checkbox"/> <b>8. Biologisches Material</b> Die Erfindung bezieht sich auf bzw. verwendet biologisches Material, das nach Regel 28 EPÜ hinterlegt worden ist.</p> <p><input type="checkbox"/> Die <b>Angaben nach Regel 28(1)c) EPÜ</b> (falls noch nicht bekannt, die Hinterlegungsstelle und das (die) Bezugszeichen (Nummer, Symbole usw.) des Hinterlegers) sind in der internationalen Veröffentlichung oder in der gemäß Feld 7 eingereichten Übersetzung enthalten auf:</p> <p>Seite(n) / Zeile(n)</p> <p><input type="checkbox"/> Die <b>Empfangsbescheinigung(en)</b> der Hinterlegungsstelle</p> <p><input type="checkbox"/> ist (sind) beigefügt</p> <p><input type="checkbox"/> wird (werden) nachgereicht</p> <p><input type="checkbox"/> Verzicht auf die Verpflichtung des Antragstellers nach Regel 28(3) EPÜ auf gesondertem Schriftstück</p>	<p><input type="checkbox"/> <b>8. Biological material</b> The invention relates to and/or uses biological material deposited under Rule 28 EPC.</p> <p><input type="checkbox"/> The <b>particulars referred to in Rule 28(1)(c) EPC</b> (if not yet known, the depository institution and the identification reference(s) [number, symbols etc.] of the depositor) are given in the international publication or in the translation submitted under Section 7 on:</p> <p>page(s) / line(s)</p> <p><input type="checkbox"/> The <b>receipt(s) of deposit</b> issued by the depository institution</p> <p><input type="checkbox"/> is (are) enclosed</p> <p><input type="checkbox"/> will be filed at a later date</p> <p><input type="checkbox"/> Waiver of the right to an undertaking from the requester pursuant to Rule 28(3) EPC attached.</p>	<p><input type="checkbox"/> <b>8. Matière biologique</b> L'invention concerne et/ou utilise de la matière biologique, déposée conformément à la règle 28 CBE.</p> <p><input type="checkbox"/> Les <b>indications visées à la règle 28(1)c) CBE</b> (si non encore connues, l'autorité de dépôt et la (les) référence(s) d'identification [numéro ou symboles etc.] du déposant) figurent dans la publication internationale ou dans une traduction produite conformément à la rubrique 7 à la / aux:</p> <p>page(s) / ligne(s)</p> <p><input type="checkbox"/> Le(s) <b>récépissé(s) de dépôt</b> délivré(s) par l'autorité de dépôt</p> <p><input type="checkbox"/> est (sont) joint(s)</p> <p><input type="checkbox"/> sera (seront) produit(s) ultérieurement</p> <p><input type="checkbox"/> Renonciation, sur document distinct, à l'engagement du requérant au titre de la règle 28(3) CBE.</p>

<p><b>9. Nucleotid- und Aminosäuresequenzen</b> Die nach Regeln 5.2 und 13<sup>ter</sup> PCT sowie Regel 111(3) EPÜ erforderlichen Unterlagen liegen dem EPA bereits vor.</p> <p><input type="checkbox"/> Das schriftliche Sequenzprotokoll wird anliegend nachgereicht.</p> <p><input type="checkbox"/> Das Sequenzprotokoll geht nicht über den Inhalt der Anmeldung in der ursprünglich eingereichten Fassung hinaus.</p> <p><input type="checkbox"/> Der vorgeschriebene Datenträger ist beigelegt.</p> <p><input type="checkbox"/> Die auf dem Datenträger gespeicherte Information stimmt mit dem schriftlichen Sequenzprotokoll überein.</p>	<p><b>9. Nucleotide and amino acid sequences</b> The items necessary in accordance with Rules 5.2 and 13<sup>ter</sup> PCT and Rule 111(3) EPC have already been furnished to the EPO.</p> <p>The written sequence listing is furnished herewith.</p> <p>The sequence listing does not include matter which goes beyond the content of the application as filed.</p> <p>The prescribed data carrier is enclosed.</p> <p>The information recorded on the data carrier is identical to the written sequence listing.</p>	<p><b>9. Séquences de nucléotides et d'acides aminés</b> Les pièces requises selon les règles 5.2 et 13<sup>ter</sup> PCT et la règle 111(3) CBE ont déjà été déposées auprès de l'OEB.</p> <p>La liste de séquences écrite est produite ci-joint.</p> <p>La liste de séquences ne contient pas d'éléments s'étendant au-delà du contenu de la demande telle qu'elle a été déposée.</p> <p>Le support de données prescrit est joint.</p> <p>L'information figurant sur le support de données est identique à celle que contient la liste de séquences écrite.</p>
<p><b>10. Benennungsgebühren</b></p> <p><input checked="" type="checkbox"/> 10.1 Es ist derzeit beabsichtigt, den siebenfachen Betrag einer Benennungsgebühr zu entrichten. Damit gelten die Benennungsgebühren für alle Vertragsstaaten des EPÜ<sup>1</sup> als entrichtet (Art. 2 Nr. 3 GebO), soweit sie in der internationalen Anmeldung bestimmt sind<sup>2</sup>.</p> <p><input type="checkbox"/> 10.2 Abweichend von der Erklärung in Nr. 10.1 ist derzeit beabsichtigt, weniger als sieben Benennungsgebühren für folgende in der internationalen Anmeldung bestimmte Vertragsstaaten des EPÜ<sup>2</sup> zu entrichten:</p> <p>(1) <input type="text"/></p> <p>(2) <input type="text"/></p> <p>(3) <input type="text"/></p>	<p><b>10. Designation fees</b></p> <p>10.1 It is currently intended to pay seven times the amount of the designation fee. The designation fees for all the EPC contracting states<sup>1</sup> designated in the international application<sup>2</sup> are thereby deemed to have been paid (Art. 2 No. 3 RFees).</p> <p>10.2 The declaration in No. 10.1 does not apply. Instead, it is currently intended to pay fewer than seven designation fees for the following EPC contracting states<sup>2</sup> designated in the international application:</p> <p>(4) <input type="text"/></p> <p>(5) <input type="text"/></p> <p>(6) <input type="text"/></p>	<p><b>10. Taxes de désignation</b></p> <p>10.1 Il est actuellement envisagé de payer un montant correspondant à sept fois la taxe de désignation. Les taxes de désignation sont ainsi réputées payées pour tous les Etats contractants de la CBE<sup>1</sup> désignés dans la demande internationale<sup>2</sup> (art. 2, point 3 du RRT).</p> <p>10.2 Contrairement à ce qui est indiqué au n° 10.1, il est actuellement envisagé de payer moins de sept taxes de désignation pour les Etats contractants de la CBE<sup>2</sup> suivants désignés dans la demande internationale :</p>
<p>Soweit unter Nr. 10.2 Vertragsstaaten aufgeführt sind, wird beantragt, für die dort nicht aufgeführten Vertragsstaaten von der Zustellung einer Mitteilung nach Regel 108(3) EPÜ abzusehen.</p> <p><input checked="" type="checkbox"/> 10.3 Wird ein automatischer Abbuchungsauftrag erteilt (Feld 12), so wird das EPA beauftragt, bei Ablauf der Grundfrist nach Regel 107 (1)d) EPÜ den siebenfachen Betrag einer Benennungsgebühr abzubuchen. Ist eine Erklärung nach Nr. 10.2 abgegeben worden, so sollen die Benennungsgebühren nur für die dort angegebenen Vertragsstaaten abgebucht werden, sofern dem EPA nicht bis zum Ablauf der Grundfrist ein anderslautender Auftrag zugeht.</p>	<p>If contracting states are indicated under No. 10.2, it is requested that no communication under Rule 108(3) EPC be issued for contracting states not thus indicated.</p> <p>10.3 If an automatic debit order has been issued (Section 12), the EPO is authorised, on expiry of the basic period under Rule 107(1)(d) EPC, to debit seven times the amount of the designation fee. If states are indicated under No. 10.2, the EPO will debit designation fees only for those states, unless instructed otherwise before the basic period expires.</p>	<p>Si des Etats contractants sont mentionnés au n° 10.2, prière de ne pas procéder à la signification d'une notification prévue par la règle 108(3) CBE pour les Etats contractants n'y étant pas mentionnés.</p> <p>10.3 Si un ordre de prélèvement automatique est donné (rubrique 12), il est demandé à l'OEB de prélever, à l'expiration du délai normal visé à la règle 107(1)d) CBE, un montant correspondant à sept fois la taxe de désignation. Si une déclaration a été faite au n° 10.2, les taxes de désignation ne sont à prélever que pour les Etats contractants qui y sont indiqués, sauf instruction contraire reçue par l'OEB avant l'expiration du délai normal.</p>

<sup>1</sup> Stand bei Drucklegung: 27 Vertragsstaaten, und zwar: / Status when this form was printed: 27 contracting states, namely / Situation à la date d'impression: 27 Etats contractants, à savoir: AT Österreich / Austria / Autriche, BE Belgien / Belgium / Belgique, BG Bulgarien / Bulgaria / Bulgarie, CH / LI Schweiz und Lichtenstein / Switzerland and Liechtenstein / Suisse et Liechtenstein, CY Zypern / Cyprus / Chypre, CZ Tschechische Republik / Czech Republic / République tchèque, DE Deutschland / Germany / Allemagne, DK Dänemark / Denmark / Danemark, EE Estland / Estonia / Estonie, ES Spanien / Spain / Espagne, FI Finnland / Finland / Finlande, FR Frankreich / France / France, GB Vereinigtes Königreich / United Kingdom / Royaume-Uni, GR Griechenland / Greece / Grèce, HU Ungarn / Hungary / Hongrie, IE Irland / Ireland / Irlande, IT Italien / Italy / Italie, LU Luxemburg / Luxembourg / Luxembourg, MC Monaco / Monaco / Monaco, NL Niederlande / Netherlands / Pays-Bas, PT Portugal / Portugal / Portugal, RO Rumänien / Romania / Roumanie, SE Schweden / Sweden / Suède, SI Slowenien / Slovenia / Slovénie, SK Slowakische Republik / Slovak Republic / République slovaque, TR Türkei / Turkey / Turquie

<sup>2</sup> Für folgende Staaten nur möglich, falls in der internationalen Anmeldung am oder nach folgendem Tag bestimmt: Slowakische Republik, Bulgarien, Tschechische Republik und Estland: 1. Juli 2002, Slowenien: 1. Dezember 2002, Ungarn: 1. Januar 2003 und Rumänien: 1. März 2003. / For the following states this is possible only if they are designated in the international application on or after the stated date: Slovak Republic, Bulgaria, Czech Republic and Estonia: 1 July 2002, Slovenia: 1 December 2002, Hungary: 1 January 2003 and Romania: 1 March 2003. / En ce qui concerne les Etats suivants seulement si la désignation a été effectuée dans la demande internationale à la date suivante ou à une date ultérieure: République slovaque, Bulgarie, République tchèque et Estonie: 1<sup>er</sup> juillet 2002, Slovénie: 1<sup>er</sup> décembre 2002, Hongrie: 1<sup>er</sup> janvier 2003 et Roumanie: 1<sup>er</sup> mars 2003.

<input checked="" type="checkbox"/> <b>11. Erstreckung des europäischen Patents</b> Bei Zahlung der Erstreckungsgebühr(en) gilt diese Anmeldung auch als wirksamer Erstreckungsantrag für die in der internationalen Anmeldung bestimmten »Erstreckungsstaaten«. Es ist beabsichtigt, diese Gebühr(en) für folgende Staaten zu entrichten:  <input type="checkbox"/> SI Slowenien <sup>1)</sup> <input type="checkbox"/> LT Litauen <input type="checkbox"/> LV Lettland <input type="checkbox"/> AL Albanien <input type="checkbox"/> RO Rumänien <sup>1)</sup> <input type="checkbox"/> MK Ehemalige jugoslawische Republik Mazedonien <sup>2)</sup> <input type="checkbox"/> _____ <sup>2)</sup>	<b>11. Extension of the European patent</b>  On payment of the extension fee(s) this application is also deemed to be a request for extension to all the "extension states" designated in the international application. It is intended to pay the fee(s) for the following states:  Slovenia <sup>1)</sup> Lithuania Latvia Albania Romania <sup>1)</sup> Former Yugoslav Republic of Macedonia <sup>2)</sup> _____ <sup>2)</sup>	<b>11. Extension des effets du brevet européen</b> La taxe (Les taxes) d'extension payée(s), la présente demande est également réputée être une demande d'extension à tous les »Etats autorisant l'extension« désignés dans la demande internationale. Il est envisagé de payer la taxe (les taxes) d'extension pour les Etats suivants:  Slovénie <sup>1)</sup> Lituanie Lettonie Albanie Roumanie <sup>1)</sup> Ex-République yougoslave de Macédoine <sup>2)</sup> _____ <sup>2)</sup>
<p>1) Für Slowenien und Rumänien nur möglich, falls in der internationalen Anmeldung bis 30. November 2002 (Slowenien) oder bis 28. Februar 2003 (Rumänien) bestimmt. / For Slovenia and Romania this is possible only if they are designated in the international application up to 30 November 2002 (Slovenia) or 28 February 2003 (Romania). / En ce qui concerne la Slovénie et la Roumanie, seulement si la désignation a été effectuée dans la demande internationale jusqu'au 30 novembre 2002 (Slovénie) ou jusqu'au 28 février 2003 (Roumanie).</p> <p>2) Platz für Staaten, mit denen »Erstreckungsabkommen« nach Drucklegung dieses Formblatts in Kraft treten und die in der internationalen Anmeldung bestimmt waren. / Space for States with which "extension agreements" enter into force after this form has been printed and which were designated in the international application. / Prévu pour des Etats à l'égard desquels des »accords d'extension« entreraient en vigueur après l'impression du présent formulaire et qui ont été désignés dans la demande internationale.</p>		
<input type="checkbox"/> <b>12. Automatischer Abbuchungsauftrag (Nur möglich für Inhaber von beim EPA geführten laufenden Konten)</b>  Das EPA wird beauftragt, nach Maßgabe der Vorschriften über das automatische Abbuchungsverfahren fällige Gebühren und Auslagen vom untenstehenden laufenden Konto abzubuchen. In Bezug auf die Benennungsgebühren wird auf Feld 10.3 verwiesen. Das EPA wird ferner beauftragt, die Erstreckungsgebühren für jeden in Feld 11 angekreuzten »Erstreckungsstaat« bei Ablauf der Grundfrist zu ihrer Zahlung abzubuchen, sofern ihm nicht bis dahin ein anderslautender Auftrag zugeht.  Nummer und Kontoinhaber	<b>12. Automatic debit order (for EPO deposit account holders only)</b>  The EPO is hereby authorised, under the Arrangements for the automatic debiting procedure, to debit from the deposit account below any fees and costs falling due. For designation fees, see Section 10.3. The EPO is also authorised, on expiry of the basic period for paying the extension fees, to debit those fees for each of the "extension states" marked with a cross in Section 11, unless instructed otherwise before the said period expires.  Number and account holder	<b>12. Ordre de prélèvement automatique (uniquement possible pour les titulaires de comptes courants ouverts auprès de l'OEB)</b> Par la présente, il est demandé à l'OEB de prélever du compte courant ci-dessous les taxes et frais venant à échéance, conformément à la réglementation relative au prélèvement automatique. Pour les taxes de désignation, se reporter à la rubrique 10.3. Il est en outre demandé à l'OEB de prélever, à l'expiration du délai normal prévu pour leur paiement, les taxes d'extension pour chaque »Etat autorisant l'extension« coché à la rubrique 11, sauf instruction contraire reçue avant l'expiration de ce délai.  Numéro et titulaire du compte
<input checked="" type="checkbox"/> <b>13. Eventuelle Rückzahlungen auf das beim EPA geführte laufende Konto</b>  Nummer und Kontoinhaber	<b>13. Any reimbursement to EPO deposit account</b>  Number and account holder  BOULT WADE TENNANT - 2805 0034	<b>13. Remboursements éventuels à effectuer sur le compte courant ouvert auprès de l'OEB</b>  Numéro et titulaire du compte
<b>14. Unterschrift(en) des (der) Anmelders (s) oder Vertreters</b>  Ort / Datum  Für Angestellte (Art. 133(3) EPÜ) mit allgemeiner Vollmacht:  Nr.  Name(n) des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte auch die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben.	<b>14. Signature(s) of applicant(s) or representative</b>  McLEISH; Nicholas Aligja Maxwell AUTHORISED REPRESENTATIVE  Place / Date LONDON, UNITED KINGDOM 8 APRIL 2005 For employees (Art. 133(3) EPC) having a general authorisation:  No.  Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed.	<b>14. Signature(s) du (des) demandeur(s) ou du mandataire</b>  Lieu / Date  Pour les employés (art. 133(3) CBE) disposant d'un pouvoir général:  N°  Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.

**ADDITIONAL SHEET**

(European Request for Grant)

## 19. Additional Representatives:-

BAYLISS; Geoffrey Cyril  
CROSS; Rupert Edward Blount  
BALDOCK; Sharon Claire  
HAYES; Adrian Chetwynd  
DRAPER; Martyn John  
SETNA; Rohan Piloo  
PALMER; Jonathan Richard

ALEXANDER; Thomas Bruce  
BUCKS; Teresa Anne  
PLUCKROSE; Anthony William  
MERRIFIELD; Sarah Elizabeth  
FROST; Alex John  
THOMSON; Neil David  
WHITE; Nina Louise

All of

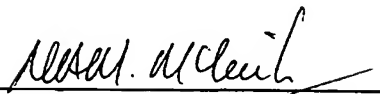
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EPO -DG 1

11. 04. 2005

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Signed

  
McLEISH; Nicholas Alistair Maxwell

Our Ref: NAMM/P78400EP00





Boulton Wade Tennant

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8 April 2005

Dear Sirs,

European Patent Application No. 03756809.4  
In the Name of: 1-800 CONTACTS, INC.  
Representative's Ref: NAMM/P78400EP00

I am filing herewith the following documents in respect of the above-identified application.

- \* 1. Form 1200
- \* 2. List of Additional Representatives
- \* 3. Debit Order No. R5244
- \* 4. Amended pages 3, 6-7, 15, 17, 19, 22, 24-26a, 30, 31, 33, 35 and 37-38 of the specification as filed at the USPTO under Rule 91 PCT. These pages are to replace corresponding numbered pages of the specification published under International Publication No. WO 04/024573.

Please note that a reduced search fee of 80% has been paid, as the International Search Report was established by the United States Patent Office.

Please acknowledge receipt of this letter and its enclosure by returning to me the appropriate sheet of Form 1037 which is enclosed for that purpose.

Yours faithfully

McLEISH; Nicholas Alistair Maxwell  
AUTHORISED REPRESENTATIVE

Enclosures

225323; SJT; SMD

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5 merely heat sealed on to the rest of the case, and it may gradually work its way loose over time. More importantly, the inside of the case is in the form of a cylinder, with a flat bottom which will make retrieving the lens quite difficult. Most contact lens cases have a concave bottom to facilitate lens removal.

10 Japanese Patent publication 001-255499 discloses another contact lens package that is suggested for use as a lens storage case. The package includes a cover that fits down inside or depression. The cover and the fringe part surrounding the depression is then covered by a sheet film when the sheet film is peeled off, the cover sticks to it and opens. The lens can then be removed. Supposedly the cover can be placed back in the depression to reseal the blister. This design has several drawbacks. Most importantly, the cover is smaller than the opening. As a result, it has to fit inside of the depression. As a result, it would be very difficult to make the cover exactly the right size so that it could provide a leak-proof seal, especially if the parts were mass produced.

20 Another problem faced by contact lens wearers is keeping track of how long a current pair of lenses has been worn. Some people favor daily disposable lenses for this reason. However, most soft lens wearers use lenses designed for replacement after two weeks or one month. For many people this period of time goes by with no good way to keep track of it. As a result, a person must either make a note on a calendar, or somewhere else, and constantly refer to the note, or they lose track of when they last started using the current pair of lenses and either dispose of them earlier than necessary or later than they should. This problem is exacerbated if the wearer tears or damages a lens during its normal wearing period and has to restart with a fresh lens and now monitor two wearing schedules.

30 Thus, it can be seen that even though the benefits of soft contact lenses outweigh these problems, and their acceptance continues to grow, it would be of great benefit if one or more of these problems could be solved.

iii) a contact lens and contact lens fluid within said volume;

c) wherein the plurality of contact lens packages include a generally equal plural number of

i) packages containing a contact lens to be used in the left eye of a contact lens wearer and

ii) packages containing a contact lens to be used in the right eye of the contact lens wearer.

In a fifth embodiment the invention comprises a contact lens package that is reusable as a case to store a contact lens between uses comprising:

a) a bottom member having a well with an inside generally concave shape, and a wall rising above the well and ending in a top rim defining an opening;

b) a temporary seal comprising a generally moisture-proof film sealed across the opening, thus defining a volume within the package, the volume containing a contact lens and contact lens fluid;

c) a cap that is placeable on the bottom member after removal of the temporary seal to provide storage of the contact lens;

wherein a foil covers the bottom member with the temporary seal and the cap.

In a sixth embodiment the invention comprises a contact lens package that is reusable as a case to store a contact lens between uses comprising:

a) a bottom member having a generally concave shape;

b) a temporary seal comprising a generally moisture-proof film that seals an opening of the bottom member; and

c) a cap

wherein the temporary seal sealing the bottom member comprises a film that also covers and provides a temporary seal over the cap.

In a seventh embodiment the invention comprises a contact lens package that indicates whether a contact lens therein is to be worn in a left

eye or a right eye, wherein the package is designated for use in the left or right eye by the contact lens manufacturer.

5 In an eighth embodiment the invention comprises a contact lens package that indicates whether a contact lens therein is to be worn in a left eye or right eye, wherein the package is designated for use in the left or right eye by the contact lens wholesaler.

10 In a ninth embodiment the invention comprises a contact lens package that indicates whether a contact lens therein is to be worn in a left eye or right eye, wherein the package is designated for use as containing a left eye lens or a right eye lens at the same time the package is marked with a prescription applicable to the lens therein.

15 In a tenth embodiment the invention comprises a method of packaging a contact lens wherein a contact lens is place in the package; the package is designated for use as containing a left eye lens or a right eye lens at the same time the package is marked with a prescription applicable to the lens therein.

In an eleventh embodiment the invention comprises a package containing lenses to be worn in a right eye and contact lenses to be worn in a left eye comprising:

20 a shipping package; and  
a plurality of individual contact lens packages;  
wherein the individual contact lens packages are marked for use of the contact lens in either the left eye or the right eye prior to shipment.

In a twelfth embodiment the invention comprises a method of distributing an order for a contact lens comprising:

25 placing the contact lens with one prescription for the left eye in a package that indicates the contact is for use in the left eye;

placing the contact lens with a second prescription for the right eye in a package that indicates the contact lens is for use in the right eye; and

shipping the order.

When the wearer is ready to use the lens, the cap 14 is removed to give access to the temporary seal. After this is removed and the contact lens 6 is worn, the lens 6 can be placed back in the well 13. The cap 14 can then be placed back over the bottom member 15 to use the case 10 for temporary lens storage. The threads 17 allow the cap 14 to be secured onto the bottom member 15 with a liquid-tight, leak-proof closure.

The bottom member 15 and cap 14 are preferably made of a high quality polypropylene that does not contain additives that could leach out. The polypropylene should be a homopolymer so that it has minimal impurities. It is also possible to use other polymers, particularly polyolefins, such as high density polyethylene (HDPE) or other materials familiar to those in the art to make the bottom member and cap.

The disk 16 is preferably an opaque film made of a lamination of polypropylene, aluminum foil and PET. The rim 11 is wide enough to receive sufficient surface area of the disk 16 such that an appropriate sealing strength and integrity is achieved via heat or ultrasonic sealing means. Of course other sealing films could be used, including those which are transparent.

The base 12 of case 10 is preferably configured to be interlocked with a base of a second package 20 having a base 22 with an identical configuration, as shown in Fig. 5. This may be accomplished by including a puzzle lock tab 18 and a mating space 21 on the base. Two packages 10 and 20 may then be snapped together by putting tab 28 of case 20 in the hole 21 of case 10, and likewise the tab 18 of case 10 in a similar hole in the base 22 of case 20. If case 10 is for holding a left eye contact, and case 20 is for holding a right eye contact, cases 10 and 20 will preferably be readily distinguishable from one another. In the embodiment of FIG. 5, case 10 is clear and case 20 is colored. Alternatively, both cases could be made of different colored plastic. Of course other ways of distinguishing cases 10 and 20 could be used, such as by including a letter "L" on case 10 and a letter "R" on case 20. It is preferable, though not necessary, for the base 12, bottom member 15 and cap 14 to be made out of the same color of material.

packages for each eye may fill more than one tube. In the embodiment of FIG. 13, there is a second tube 72 of left eye contact lens packages and a second tube 76 of right eye contact lens packages.

5 The tubes 70, 72, 74 and 76 may each contain a specific number of lenses which suits the wearing modality or the purchasing preferences of the wearer, such as a six month supply of two-week lenses. When one package 50 is removed, the next one falls down into place. A system sent to a customer may also include a bottle of multipurpose contact lens solution 82. This bottle could be equipped with a pump 84 or some other kind of push  
10 down system so that it dispenses an exact amount of solution (such as 3 ml) with one push. This would allow the bottle 82 to stay in place during use instead of a wearer having to pick up the bottle and carefully squirt out 3 ml of solution to fill the bottom member 55 when a contact lens 6 is placed in the package 50 for temporary (overnight) storage. The system supplied could  
15 also include a small bottle 86 for drops of a specialized fluid, such as wetting drops.

Another contact lens package and storage case 90 is shown in FIGS. 14 and 15. Like the embodiment of FIGS. 8-13, the case 90 has a bottom member 95 but no flat base extending therefrom. It may include a  
20 small optically transparent section on the base of the package to facilitate the inspection or examination of the contact lens through the package whilst it is undergoing certain manufacturing processes. The cap 94 has finger grips 98 molded into the circumference to help the user twist cap 94 onto the threads 97 formed on the bottom member 95. A temporary seal is provided  
25 by a film disk 96, which includes a pull tab 99, used to help tear the disk 96 from its sealing engagement with rim 91. FIG. 15 shows the case 90 with the cap 94 removed and the disk 96 partially removed.

An almost identical embodiment of a case 100 is shown in FIG. 16. In this embodiment the disk 106 sealed to the bottom member 105 is a  
30 transparent film instead of the opaque film 96 used in case 90. This would facilitate the inspection or examination of the contact lens through the sealed

in Fig. 18, the corners of the tabs 92 are designed to snap into place, but preferably will shear off or deform when the bottom member is removed from the receptacle.

5 The base 112 is preferably made of a material which will receive the packages snugly and not deform and can be washed repeatedly. It could be made from plastic about 1/8 inch (3 mm) to 1/4 inch (6mm) thick, or from some other material and thickness which suits the purpose and style. This base contains the display and battery which are sealed within the base in order to remain waterproof. The base may have a laminated bottom. If needed, the  
10 base can include other fixtures applied in discreet areas to ensure that it is stable when resting on a flat surface, especially if the bottom surfaces of the bottom members 95 are rounded rather than flat.

As seen in FIG. 17, the cap 94 contains lens parameter information, as well as a left and right designation, a place for a check mark to be made by  
15 each designation, and a check mark in one of the places. This check mark is applied when the lenses are pulled from inventory to be supplied to a wearer. Alternatively, an inventory of pre-marked packages of both left and right eye lenses may be maintained. In still another alternative, an inventory of pre-marked caps of both left and right eye (possibly of a different color) may be  
20 maintained so that the packages can be designated as being for one eye or the other during assembly of a package. In this manner the packages are readily distinguishable from one another as being for a left eye or a right eye. In this fashion, the packages actually comprise two different package types. With this distinction, a plurality of individual contact lens packages can be  
25 shipped to a wearer, and the wearer will readily be able to tell which lenses are for which eye. One package type, marked for the left eye, contains lenses with a first prescription, and the second package type, marked for the right eye, contains lenses with a second, different prescription.

FIG. 20 shows a shipping tube 130 in which the packages 90 may be  
30 shipped. A tamper evident seal 132 may be applied to seal the top of the tube 130. The tube top 134 may also include indicia as to whether the lenses are for the left eye or the right eye.

passing 24 hour period until the number 14, indicating the passage of 14 days. At this point, the user would remove the contact lens cases and discard both the cases and lenses. Alternatively, the display may count down from 14 to 1. The user would then place a new contact lens case and lens into the receptacle. It is possible for the number of days to be longer or shorter, so long as it corresponds to the period of time for which the disposable contact lens is to be worn.

The time keeping device is reset when a new contact lens holder is inserted into the receptacles. The contact lens case includes a mechanical means capable of triggering a reset of the time keeping device. This mechanical means may include a leg-like extension at the bottom of the contact lens holder which flips a switch on the time keeping device.

Although numerous forms of contact lens cases may be used with the contact lens holder 230, one preferred embodiment is the contact lens packages 202 and 204 shown in Figures 23-25. The two lens packages 202 and 204 are identical except for the type of lens that they contain and some indicia 206, such as letters L or R, on the case, which may be included if the packages are pre-labeled as being unique for a letter or right eye. The preferred contact lens packages 202 includes a bottom member 208 with a contact lens 210 therein, a cap 212, and a foil 216 covering both the bottom member and the cap. The foil 216 provides protection to both the bottom member and the cap and also provides a connecting means between the two. The bottom member and cap, prior to attachment of the foil, are separate. The foil, once adhered to the bottom member and cap, provides a flexible, hinge-like connection between the bottom member and cap. Further, the cap comprises a support 214 and a sealing member 215 which, when joined to the bottom member, provides a fluid tight seal for containing a contact lens and a fluid therein.

The contact lens package described above is ideal for use with the contact lens holder 230. The contact lens package may be inserted into the receptacles 240 of the holder. In use, the bottom member is inserted into the base and the cap of the contact lens package holder is inserted into the lid of



allowing the other half to open so that a contact lens package and storage case 280 can be inserted at the beginning of a new period, or so that the contact lens can be removed or replaced as part of the daily wear routine.

5 The holder 260 has a base 266 with two receptacles 270. The receptacles 270 are generally round, but have extra slots 267 180° apart into which extension 289 may pass when bottom member 288 is placed into the receptacle. As shown in Figure 35, the contact lens package 280 is inserted in a position 90° off of its final position. Once extension 289 fit down through slots 267, the package 280 is rotated 90° with respect to the base 266, so that  
10 the extensions are captured in the base, as shown in Figure 36.

The cap 292 may then be fit inside of a cavity 263 formed in the top half 262. In this regard, the support member 294 may also be made of a rubber material so that it can act as a suction cup against the inside of cavity 263. In addition, the cavity 263 preferably includes an undercut around its  
15 perimeter, into which an extending marginal portion of support member 294 can fit (see Figure 37), thus increasing the degree to which cap 292 is secured to top half 262. The contact lens package 280 may include a bridge 298 of the same material used to mold bottom member 288. The bridge then extends into the area of the cap to help form support member 294. The  
20 bridge 298 must be flexible, or be molded with notches as shown in Figures 33 and 34, in order to allow it to bend so that the sealing portion 295 of cap 292 may close on base member 288 when the top half 262 closes.

Base 266 may be provided with drain holes 288 in each receptacle, as shown in Figure 37, so that any water that may splash into the base when the  
25 contact lens package 280 is not in place will drain out.

Another contact lens case holder 300 is shown in Figures 38-45. This holder uses a version of a contact lens package and storage case 330 best seen in Figures 42 and 45. In the contact lens package 330, the cap 332 is assembled on top of the bottom member 338 with a temporary seal  
30 sandwiched between them. The holder includes two slide out trays, 302 and 304, and has two top halves 306 and 308 hinged to base 310 by a hidden hinge 311. Latches 312 and 314 on the front of the holder 300 may be

depressed to release the top halves 306 and 308. Each slide out tray 302 and 304 includes a receptacle 314 that accepts a bottom member 338 of a contact lens package and storage case. The bottom member is placed in the receptacle and rotated to lock it into place, similar to how bottom member 288  
5 locked into receptacle 270. Once it is locked into place, the cap 332 will be aligned such at grooves 334 will slide over projection 316 protruding inwardly in each top half 306 and 308. The projections 316 are aligned in the same direction that the trays 302 and 304 slide. Hence, when the contact lens package and storage case 330 is in its proper orientation in its receptacle, the  
10 try may be slid back inside the holder 300, and the cap 332 will be securely fixed in the top half by the projection 316 sliding into grooves 334. The first time that the top half 306 is opened (Figure 44), it will disconnect the cap 332 from the bottom member 338 and temporary seal. The temporary seal is then removed, exposing the contact lens 339. Thereafter, the top half 306 may be  
15 closed (Figure 45), and the bottom sealing surface of the cap 332 will seal against the exposed top rim of bottom member 338.

Figure 45 also shows another possible placement of the time keeping indicator. In this embodiment an LED color light 317 is located underneath the bottom member 338, which is translucent. The color of the light shining  
20 onto the contact lens may be made to change from blue, to purple, and then to red by using blue and red LED lights activated so that the blue LED is on initially. Of course other color schemes may be used. The different colors of light might be chosen so that protein buildup on the lens after it has been worn for its intended usage period is made more readily apparent at the end  
25 of the wear cycle.

Figure 46 shows a cross sectional view of another embodiment of a contact lens case holder 350. This embodiment is similar to the embodiment of Figures 26-27A, in that the top half 352 includes a member 354 for holding a support portion of a cap of a contact lens package and storage case and the  
30 base 360 includes a receptacle for a bottom member 388 of such a case. The cap 392 also includes a sealing member 394 for sealing the rim of

the base member after a temporary sealing film (not shown) has been removed.

5       The top half 352 includes protrusion 356 that engages a lid switch 363. When the top half 352 is closed, the lid switch is depressed. This switch can thus deactivate any light (not shown) that is used to indicate the duration that the lens case has been in place. In that regard, another switch is placed so as to be activated when the bottom member 388 is placed in the receptacle in the base 360 of the holder 350. Each time a new lens case is placed in the holder, the switch 363 will be activated, resetting the timer device.

10       In the holder 350, latches 367 on the base 360 and hooks 385 on the contact lens package are used to hold the bottom member 388 of the contact lens package in place.

15       Rather than use an electromechanical switch, an optical circuit inside the base may have a light path that is interrupted when a new contact lens package is inserted. Figure 47 shows the design of a contact lens package 402 that may be used in such a holder. The bottom member 408 includes a hook 405 on one side, and a simple extension 407 on the other side. This extension 407 can be placed so as to interrupt the optical path when the bottom member 408 is inserted. The bottom member 408 may include  
20       dimples 409 on its inside surface to prevent a contact lens from sticking to the generally concave surface on the inside of the bottom member 408.

25       The contact lens package 402 shows a cap 412 with a support member 414 and a sealing surface 416 covered by film 418. The support member 414 is configured with a hole in its center so that it can be compressed when it is inserted into a cavity of the top of a holder. The interface between the sealing surface 416 and the support member has undercuts and over molds as shown to promote adherence between the two parts.

30       The sealing surface 416 may be a relatively deformable material such as rubber to provide a leak-proof seal with the rim of the base member. One suitable material for the sealing surface 416 is monprene.

26a

The foregoing description of preferred embodiments are to be considered in all respects only as illustrative and not restrictive, and the scope

19. The contact lens package of claim 1 wherein the cap includes indicia for indicating whether the lens in the package is for use in the left eye or right eye of a contact lens wearer.

20. The contact lens package of claim 1 wherein the cap includes indicia indicating parameters of the contact lens inside the package.

21. The contact lens package of claim 20 wherein said parameters include the base curve, diameter and power of the lens.

22. The contact lens package of claim 1 wherein the contact lens is designed for a wear duration not exceeding one month.

23. The contact lens package of claim 1 wherein the film comprises a generally transparent film.

24. The contact lens package of claim 1 wherein the bottom member is at least partially transparent.

25. A contact lens package and storage system comprising:  
a) a generally flat base member having two receptacles, one of the receptacles being for a left eye contact lens package and the other of the receptacles being for a right eye contact lens package; and

b) a plurality of contact lens packages each comprising:  
i) a bottom member configured to be received by one of the receptacles and held securely onto the base;  
ii) a cap capable of closing the bottom member to enclose a volume; and  
iii) a contact lens and contact lens fluid within the volume;

c) wherein the plurality of contact lens packages include a generally equal plural number of

i) packages containing a contact lens to be used in the left eye of a contact lens wearer and

ii) packages containing a contact lens to be used in the right eye of the contact lens wearer.

5           26. The contact lens package and storage system of claim 25 wherein the packages for the left eye contact lenses are stacked on top of one another in a first tube and the packages for the right eye contact lenses are stacked on top of one another in a second tube.

          27. The contact lens package and storage system of claim 26 further comprising a secondary shipping package containing the base member, first tube and second tube.

10           28. The contact lens package and storage system of claim 25 wherein the base further comprises an indicator for each receptacle that indicates the number of days that have elapsed since the package currently in the receptacle was placed therein.

15           29. The contact lens package and storage system of claim 28 wherein the indicator comprises an LCD indicator.

          30. The contact lens package and storage system of claim 28 wherein each receptacle includes a switch which is activated by the process of placing a contact lens package in the receptacle, and activation of the switch causes the indicator to reset.

20           31. The contact lens package and storage system of claim 25 wherein the bottom member comprises a plurality of tabs that have press-in, self-locking corners that engage the base and hold the bottom member in the receptacle.

25           32. The contact lens package and storage system of claim 31 wherein the corners are designed to snap into place but be shorn off when the bottom member is removed from the receptacle.

a left eye contact lens and securing a bottom member of a package containing a right eye contact lens in the receptacle identified as being for a package containing a right eye contact lens;

5           c)     using the bottom members secured to the base as storage cases for the contact lenses originally contained in the packages when the contact lenses are not being worn, and continuing that storage use for a number of days that the lenses are recommended to be worn;

10           d)     after the recommended number of days, disposing of the contact lenses and removing the bottom members from the receptacles and disposing of the bottom members; and

          e)     repeating steps b), c) and d) until the plurality of contact lens packages have been used and disposed of.

41.    A method of distributing contact lenses comprising:

15           a)     receiving an order from a contact lens wearer for a supply of contact lenses designed to be worn for a prescribed number of days, the order including lenses of a first prescription for use in the right eye of the wearer and lenses of a second prescription for use in the left eye of the wearer;

20           b)     shipping the contact lenses requested in the order to the wearer in an outer package containing a plurality of individual contact lens packages, the plurality of individual contact lens packages comprising two different package types, a first of the package types containing lenses for the first prescription and the second of the package types containing lenses for the second prescription, the first and second package types being readily  
25 distinguishable from one another.

42.    The method of claim 41 wherein the package types are readily distinguishable because they are made of different colored material.

43.    The method of claim 41 wherein the individual contact lens packages each comprise a bottom member and a cap secured to the bottom  
30 member.

wherein the temporary seal sealing the bottom member comprises a film that also covers and provides a temporary seal over the cap.

49. The contact lens package of claim 1 wherein the cap provides a leak-proof seal when engaged with the bottom member.

5 50. A contact lens package that indicates whether a contact lens therein is to be worn in a left eye or a right eye, wherein the package is designated for use in the left or right eye by the contact lens manufacturer.

10 51. The contact lens package of claim 50 wherein the contact lens for the left eye has one prescription and the contact lens for the right eye has a second prescription.

52. The contact lens package of claim 50 wherein the package is marked for use in the left or right eye by one or more of a check mark, a color, a word, and a symbol.

15 53. A contact lens package that indicates whether a contact lens therein is to be worn in a left eye or right eye, wherein the package is designated for use in the left or right eye by the contact lens wholesaler.

20 54. A contact lens package that indicates whether a contact lens therein is to be worn in a left eye or right eye, wherein the package is designated for use as containing a left eye lens or a right eye lens at the same time the package is marked with a prescription applicable to the lens therein.

55. A method of packaging a contact lens wherein a contact lens is placed in the package; the package is designated for use as containing a left eye lens or a right eye lens at the same time the package is marked with a prescription applicable to the lens therein.

25 56. A package containing lenses to be worn in a right eye and contact lenses to be worn in a left eye comprising:  
a shipping package; and



64. The contact lens package of claim 1 wherein the cap comprises a support member with a sealing surface thereon.

5 65. The contact lens package of claim 64 wherein the sealing surface is provided by a deformable sealing member supported on the support surface.

66. The contact lens package of claim 1 wherein the cap is adhered to the film that is sealed across the top rim.

67. A contact lens package that is reusable as a case to store a contact lens between uses comprising:

10 a) a bottom member having a well with an inside generally concave shape, and a wall rising above the well and ending in a top rim defining an opening;

15 b) a temporary seal comprising a generally moisture-proof film sealed across the top rim to seal the opening, thus defining a volume within the package, the volume containing a contact lens and contact lens fluid; and

20 c) a cap secured to the bottom member covering the temporary seal, the cap being removable to give access to the temporary seal and replaceable on the bottom member thereafter to provide storage of the contact lens between uses thereof.

68. A contact lens package and storage system comprising:

25 a) a generally flat base member having two receptacles and indicia identifying one of the receptacles as being for a left eye contact lens package and the other of the receptacles as being for a right eye contact lens package; and

b) a plurality of contact lens packages each comprising:

i) a bottom member configured to be received by one of the receptacles and held securely onto the base;

ii) a cap secured to the bottom member to enclose a volume; and

iii) a contact lens and contact lens fluid within the volume;

5 c) wherein the plurality of contact lens packages include a generally equal plural number of packages containing a contact lens to be used in the left eye of a contact lens wearer and packages containing a contact lens to be used in the right eye of the contact lens wearer.

69. A method of distributing contact lenses comprising:

10 a) receiving an order from a contact lens wearer for a supply of contact lenses designed to be worn for a prescribed number of days, the order including lenses of a first prescription for use in the right eye of the wearer and lenses of a second prescription for use in the left eye of the wearer;

15 b) shipping the contact lenses requested in the order to the wearer in an outer package containing a plurality of individual contact lens packages, the plurality of individual contact lens packages comprising two different package types, a first of the package types containing lenses for the first prescription and the second of the package types containing lenses for the second prescription, the first and second package types being readily distinguishable from one another.

70. A reusable holder for contact lens cases comprising:

25 a) a lid;  
b) a base;  
c) one or more receptacles for a contact lens case; and  
d) a time keeping device;

wherein the time keeping device comprises an indicator for each one or more receptacles that indicates a period of time that has elapsed since the contact lens case currently in the receptacle was placed therein.



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31 January 2006

EPO - DG 1

01.02.2006

Dear Sirs,

(78)

European Patent Application No. 03756809.4

In the Name of: 1-800 Contacts, Inc.

Representative's Ref: NMM/SJT/P78400EP00

Further to the Partial European Search Report issued in respect of the above application on 29 December 2005, I hereby request that the Search be extended to cover the third invention described in claims 41-46, 56-60 and 69 and the fourth invention described in claims 50-55.

- \* I enclose Debit Order No. R6407 in settlement of the necessary fees.
- \* Please acknowledge receipt of this letter and its enclosures using the enclosed Form 1037.

Yours faithfully,

McLEISH; Nicholas Alistair Maxwell  
Authorised Representative

Zur Kasse

253749; JLP; SDS

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02-MAR-2006 14:56 FROM 01189500442

TO EPO HAGUE P.01/02  
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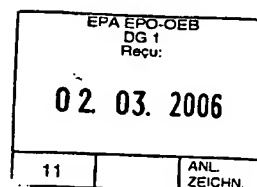
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2 March 2006

BY FAX TO: 00-3170-340-3016  
FROM: +44 207 430 7600 - 2 PAGES  
CONFIRMATION BY COURIER



Dear Sir(s),

European Patent Application No. 03756809.4  
In the name of: 1-800 CONTACTS INC.  
Representative's Ref: NAMM/SJT/P78400EP00

This letter is in response to the Debiting of Fees issued in respect of the above-referenced application on 23 February 2006.

It is submitted that the Search Fee payable for each further search fee requested under Rule 46(1) EPC was correctly paid at the amount of Eur 690 per further search and that the EPO is incorrect in their opinion that a further search fee of Eur 960 per further search is payable.

In the information provided in the Fees summary published in the OJ 6/99 pg 405-408, it is clear from Section 6 that when the fee change occurred for applications filed after 1 July 1999, the new search fee of Eur 690 was only payable for search requests, including further search requests for applications with a filing date of after 1 July 1999. For applications filed up to 30 June 1999 the further search fee payable was that in force before 1 July 1999, i.e. Eur 869.

Since no specific reference is made to the issue of further search fees in the Decision of the Administrative it is submitted that the same reasoning as that provided in relation to the change of fees in 1999 should be applied in this case. Since the above-referenced application has a filing date of 15 September 2003, i.e. before 1 July 2005, it is submitted that the further search fee payable under Rule 46(1) EPC should therefore be the fee in force at the date of filing, i.e. Eur 690.

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02-MAR-2006 14:56 FROM 01189500442

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P.02/02

002 02.03.2006 15:57:35

EUROPEAN PATENT OFFICE

- 2 -

2 March 2006

Indeed, in the recent Decision of the Administrative Council (OJ 1/2005, pages 5 to 7) it is clear that the new amounts of the search fee shall apply to International applications filed on or after 1 July 2005 (see Section 3) and that the new search fee should be payable for further searches under R46(1) only for applications with a filing date of after 1 July 2005 (see table, ref Article 2 of Rules relating to fees).

Therefore, we request a refund of any additional monies debited above the amount of 2 x Eur 690 if the EPO agrees with the arguments presented above.

In the event that the EPO does not agree with the findings above we request that they provide us with a formal Decision under Rule 69(2) EPC that will allow us to Appeal that Decision if it is felt to be incorrect. In that case, however, we confirm that the EPO may debit our deposit Account Number 28050034 with the additional Eur 540 that the EPO allege to be owing, on or before the due date, as proposed in your letter of 23 February 2006. If this is the case we further request that an Extended European Search Report under R44a EPC be issued for each of the further searches.

We look forward to receiving confirmation that the correct amount payable for the further searches requested in respect of this application was indeed Eur 690 per search.

Please acknowledge receipt of this letter and its enclosures by returning to me the appropriate sheet of Form 1037 which is being forwarded to you for that purpose with a confirmatory copy of this letter.

Yours faithfully,

*S. J. Thomas*

THOMAS; Susanna Joyce  
Authorised Representative

258610; SJT; SDS

TOTAL P.02



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2 March 2006

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FROM: +44 207 430 7600 - 2 PAGES  
CONFIRMATION BY COURIER

**CONFIRMATORY**

EPO - DG 1

03. 03. 2006

(41)

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In the name of: 1-800 CONTACTS INC.  
Representative's Ref: NAMM/SJT/P78400EP00

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THOMAS; Susanna Joyce  
Authorised Representative